

1 Scott Alan Burroughs (SBN 235718)  
scott@donigerlawfirm.com

2 Trevor W. Barrett (SBN 287174)  
tbarrett@donigerlawfirm.com

3 Andres Navarro (SBN 358499)  
anavarro@donigerlawfirm.com

4 DONIGER/BURROUGHS  
5 603 Rose Avenue

6 Venice, California 90291

7 Telephone: (310) 590-1820

8 Attorneys for Plaintiff

9  
10 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

11 ELLIOT MCGUCKEN, an individual,

12  
13 Plaintiff,

14 v.

15 SAVAGE VENTURES, LLC, doing  
16 business as “Savage Ventures,” a  
17 Tennessee limited liability company;  
18 OUTDOORS MEDIA, INC., doing  
19 business as “Outdoors,” a Delaware  
corporation; and DOES 1-10,

20 Defendants.  
21  
22  
23

Case No.:

COMPLAINT FOR:

1. Copyright Infringement
2. Vicarious and/or Contributory Infringement
3. Violation of the DMCA: 17 U.S.C. § 1202

Jury Trial Demanded

24 Plaintiff Elliot McGucken (“Plaintiff” or “McGucken”), by his attorneys Doniger /  
25 Burroughs, for his complaint against defendants Savage Ventures, LLC, doing business as “Savage  
26 Ventures” (“Savage”), Outdoors Media, Inc., doing business as “Outdoors” (“Outdoors”), and  
27 Does 1-10, alleges as follows:  
28

**JURISDICTION AND VENUE**

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*

2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).

3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

**PARTIES**

4. Plaintiff Elliot McGucken is an individual residing in Los Angeles County.

5. Plaintiff is informed and believes and thereon alleges that Defendant Savage Ventures, LLC is a Tennessee limited liability company with its principal place of business at 1402 3<sup>rd</sup> Avenue North in Nashville, Tennessee 37208 and is doing business in and with the State of California.

6. Plaintiff is informed and believes and thereon alleges that Defendant Outdoors Media, Inc. is a Delaware corporation owned by Defendant Savage Ventures, LLC with its principal place of business at 1402 3<sup>rd</sup> Avenue North in Nashville, Tennessee 37208 and is doing business in and with the State of California.

7. Defendants Does 1 through 10, inclusive, (altogether with Outdoors and Savage, “Defendants”) are other parties who have infringed Plaintiff’s copyright, have contributed to the infringement of Plaintiff’s copyright, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff, who therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

8. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope

1 of such agency, affiliation, alter-ego relationship and/or employment; and actively participated  
2 in or subsequently ratified and adopted, or both, each and all of the acts or conduct alleged, with  
3 full knowledge of all the facts and circumstances, including, but not limited to, full knowledge  
4 of each and every violation of Plaintiff's rights and the damages proximately caused thereby.

5 **CLAIMS RELATED TO SUBJECT PHOTOGRAPHS**

6 9. McGucken is an acclaimed photographer who created and owns the original  
7 photographs depicted in **Exhibit A** attached hereto ("Subject Photographs").

8 10. McGucken has registered the Subject Photographs with the U.S. Copyright Office.

9 11. Prior to the acts complained of herein, McGucken published and widely publicly  
10 displayed and disseminated the Subject Photographs including without limitation on his social  
11 media pages and on McGucken's website *www.mcgucken.com*.

12 12. Following McGucken's dissemination and display of the Subject Photographs,  
13 Defendants, and each of them copied, reproduced, displayed, distributed, created derivative  
14 works, and/or otherwise used the Subject Photographs without license, authorization, or consent,  
15 including by using the Subject Photographs online on *www.outdoors.com*. The Infringing Uses  
16 were made widely and publicly available online. True and correct, non-inclusive screen captures  
17 of the Infringing Uses are included in **Exhibit A** hereto.

18 13. On November 19, 2024, McGucken, through his attorneys, sent Defendant Outdoor  
19 a demand to cease and desist their infringing uses of McGucken's Subject Photographs. To date,  
20 Defendants have not removed the Subject Photographs from their website and continue to  
21 infringe upon McGucken's copyrights.

22 14. McGucken has not in any way authorized Defendants, or any of them, to copy,  
23 reproduce, display, distribute, create derivative works of, or otherwise use the Subject  
24 Photographs.

**FIRST CLAIM FOR RELIEF**

**(Copyright Infringement - Against All Defendants, and Each)**

15. McGucken repeats, re-alleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

16. On information and belief, McGucken alleges that Defendants, and each of them, had access to the Subject Photographs, including, without limitation, through (a) viewing the Subject Photographs on McGucken's website, (b) viewing Subject Photographs online, (c) viewing Subject Photographs through a third party, and (d) obtaining the Subject Photographs from the online image licensor Shutterstock. Access is further evidenced by the Subject Photographs' exact reproduction in the Infringing Uses.

17. On information and belief, McGucken alleges that Defendants, and each of them, copied, reproduced, displayed, and distributed the Subject Photographs, including without limitation as seen in **Exhibit A** attached hereto.

18. On information and belief, McGucken alleges that Defendants, and each of them, infringed McGucken's copyrights by creating infringing derivative works from the Subject Photographs and publishing same to the public.

19. Due to Defendants', and each of their, acts of infringement, McGucken has suffered general and special damages in an amount to be established at trial.

20. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of McGucken's rights in the Subject Photographs. As such, McGucken is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of McGucken's rights in the Subject Photographs in an amount to be established at trial.

21. On information and belief, McGucken alleges that Defendants, and each of them, have committed acts of copyright infringement, as alleged above, which were willful, intentional and malicious, which further subjects Defendants, and each of them, to liability for

1 statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to \$150,000.00  
2 per infringement and/or a preclusion from asserting certain equitable and other defenses.

3 **SECOND CLAIM FOR RELIEF**

4 **(Vicarious and/or Contributory Copyright Infringement - Against All Defendants, and**  
5 **Each)**

6 22. McGucken repeats, re-alleges, and incorporates herein by reference as though fully  
7 set forth, the allegations contained in the preceding paragraphs of this Complaint.

8 23. On information and belief, McGucken alleges that Defendants knowingly induced,  
9 participated in, aided, and abetted in and profited from the illegal reproduction and distribution  
10 of the Subject Photographs as alleged hereinabove. Such conduct included, without limitation,  
11 publishing photographs obtained from third parties that Defendants knew, or should have  
12 known, were not authorized to be published by Defendants.

13 24. On information and belief, McGucken alleges that Defendants, and each of them,  
14 are vicariously liable for the infringement alleged herein because they had the right and ability  
15 to supervise the infringing conduct and because they had a direct financial interest in the  
16 infringing conduct. Specifically, Defendants, and each of them, profited in connection with the  
17 Infringing Uses, and were able to supervise the distribution, broadcast, and publication of the  
18 Infringing Uses.

19 25. By reason of the Defendants', and each of their, acts of contributory and vicarious  
20 infringement as alleged above, McGucken has suffered general and special damages in an  
21 amount to be established at trial.

22 26. Due to Defendants' acts of copyright infringement as alleged herein, Defendants,  
23 and each of them, have obtained direct and indirect profits they would not otherwise have  
24 realized but for their infringement of McGucken's rights in the Subject Photographs. As such,  
25 McGucken is entitled to disgorgement of Defendants' profits directly and indirectly attributable  
26 to Defendants' infringement of McGucken's rights in the Subject Photographs, in an amount to  
27 be established at trial.  
28

27. On information and belief, McGucken alleges that Defendants, and each of them, have committed acts of copyright infringement, as alleged above, which were willful, intentional and malicious, which further subjects Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to \$150,000.00 per infringement and/or a preclusion from asserting certain equitable and other defenses.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

**Against all Defendants, and Each:**

With Respect to Each Claim for Relief:

- a. That Defendants, and each of them, as well as their employees, agents, or anyone acting in concert with them, be enjoined from infringing Plaintiff's copyright in the Subject Photographs, including, without limitation, an order requiring Defendants, and each of them, to remove the Subject Photographs from their respective websites, marketing and advertisement materials.
- b. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, plus any other monetary advantage gained by the Defendants, and each of them, through their infringement, the exact sum to be proven at the time of trial, and/or, to the extent available, statutory damages as available under the 17 U.S.C. § 504, 17 U.S.C. § 1203, and other applicable law.
- c. That a constructive trust be entered over any revenues or other proceeds realized by Defendants, and each of them, through their infringement of Plaintiff's intellectual property rights;
- d. That Plaintiff be awarded his attorneys' fees as available under the Copyright Act U.S.C. §§ 505, 1203, *et seq.*;
- e. That Plaintiff be awarded his costs and fees under the statutes set forth above;
- f. That Plaintiff be awarded statutory damages and/or penalties under the statutes set forth above;

- 1 g. That Plaintiff be awarded pre-judgment interest as allowed by law;  
2 h. That Plaintiff be awarded the costs of this action; and  
3 i. That Plaintiff be awarded such further legal and equitable relief as the Court  
4 deems proper.

5 **DEMAND FOR JURY TRIAL**

6 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and  
7 the 7th Amendment to the United States Constitution.

8 Respectfully submitted,

9  
10 Dated: February 5, 2025

By: /s/ Scott Alan Burroughs  
Scott Alan Burroughs, Esq.  
Trevor W. Barrett, Esq.  
Andres Navarro, Esq.  
DONIGER / BURROUGHS  
Attorneys for Plaintiff